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Appl. No. 10/024,766
Amdt. Dated June 1, 2005
Reply to Final Office Action of April 21, 2005

REMARKS

Claims 1 through 18 remain pending in this Application.

Claims 1, 9, 14, and 17 have each been currently amended.

5 "Claims 1-3, 5, 6, and 8-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wynn U.S. Patent No. 5,859,419." Applicant has further amended the claims to clearly distinguish over the teaching of Wynn, whether taken individually, or in combination with Lofgren 6,608,911. A 10 detailed discussion follows below.

Claim 1 (currently amended) now calls for the following:

15 An apparatus comprising:
 a transportable programmable information tag uniquely encoded for association with an individual purchaser of goods and/or services;
 a communication unit capable of communicating information to one or more information interfaces;
 a purchaser's controller, coupled to the programmable information tag and the communication unit, arranged to receive information from the information interfaces through the communication unit, said purchaser's controller being configured for programming the programmable information tag with at least part of the information from the information interface, for confirming the purchaser has paid for and is entitled to receive from an associated merchant the goods and/or services; and
 a merchant's tag reader for permitting a merchant to read said tag to obtain information therefrom, for confirming or authorizing the merchant to deliver the indicated goods and/or services to the associated purchaser.

35 Claim 1, as currently amended, now calls for from amongst other elements "a purchaser's controller, . . . said purchaser's controller being configured for programming the

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programmable information tag with at least part of the information from the information interface, for confirming the purchaser has paid for and is entitled to receive from an associated merchant the goods and/or services; and a
5 merchant's tag reader for permitting a merchant to read said tag to obtain information therefrom for confirming or authorizing the merchant to deliver the indicated goods and/or services to the associated purchaser." Wynn teaches away from the structure of the apparatus of Claim 1, as currently
10 amended.

Wynn only teaches the use of programming a UFDC to include ". . . financial transaction records pertaining to the transactions that impact a particular account." Clearly, Wynn is teaching that such information provides for debiting or crediting of an account, but there is no teaching that any information is included on the UFDC via "a purchaser's controller . . ." as now claimed in Claim 1 (currently amended), and/or that includes ". . .means for programming the programmable information tag . . ., for confirming the
20 purchaser has paid for and is entitled to receive from an associated merchant the goods and/or services." Nor does Wynn teach the use of "a merchant's tag reader for permitting a merchant to read said tag to obtain information therefrom for confirming or authorizing the merchant to deliver the
25 indicated goods and/or services to the associated purchaser." Throughout Wynn it is clear that the teachings are only related to the financial aspects of the user, for permitting financial institutions to properly credit or debit the user's account as transactions occur. In the MPEP, Section 2114, it
30 is indicated that "Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference."

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As indicated, Wynn does not anticipate or make obvious Applicant's use of "a merchant's tag reader," nor Applicant's use of "a purchaser's controller" that is configured for programming as now claimed.

5 Claims 2, and 3 are each dependent from Claim 1 (currently amended), and as such are patentable for at least the same reasons as Claim 1 (currently amended). Similar comments apply to Claims 5, 6, and 8.

10 Claim 9 (currently amended) is now claiming the following:

15 An e-commerce method, for permitting a consumer to directly receive from a merchant the delivery of goods and/or services transacted for previously, comprising the steps of:

receiving a request to complete a commercial transaction for goods or services over the Internet by a consumer;

completing the commercial transaction with the consumer;

20 providing an e-receipt to the consumer, the e-receipt containing information that may be used by the consumer to program an RFID tag;

25 programming conducted by the consumer to program the RFID tag with information from said e-receipt to verify the consumer completed a transaction entitling the consumer to obtain the delivery of goods and/or services from a merchant;

presenting the programmed RFID tag to a merchant capable of delivering the goods and/or services to the consumer;

30 reading via a tag reader of the merchant the information from the RFID, for permitting said merchant to confirm the consumer is entitled to receive the goods and/or services, before delivering the same; and

35 recording information related to the commercial transaction and the e-receipt.

From comments previously made, it is clear that Wynn does not anticipate or make obvious, whether taken individually or in combination with Lofgren, the ". . . e-commerce method, . . .

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.. " of Claim 9, as currently amended. As previously indicated, Wynn's teachings are all directed toward maintaining proper account balances in view of financial transactions/or financial data associated with a UFDC. Wynn 5 is absent any teaching of structure or apparatus for providing the combination of steps of Claim 9 (currently amended). More specifically, there is no teaching in Wynn of structure or apparatus for providing the step of ". . . programming conducted by the consumer to program the RFID tag . . . to 10 verify the consumer completed a transaction entitling the consumer to obtain the delivery of goods and/or services from a merchant . . ." nor is there any teaching in Wynn of apparatus or structure for providing the step of ". . . reading via a tag reader of the merchant the information from the RFID 15 card for permitting said merchant to confirm the consumer's entitled to received the goods and/or services before delivering the same." Accordingly, Claim 9 (currently amended) is patentable over Wynn.

Claims 10 through 13 are each ultimately dependent from 20 Claim 9 (currently amended). Accordingly, these claims are patentable for at least the same reasons as Claim 9 (currently amended).

"Claims 4, are rejected under 35 U.S.C. 103(a) as being 25 unpatentable over Wynn, U.S. Patent No. 5,859,419 in view of Lofgren et al., U.S. Patent No. 6,608,911." Claim 4 is dependent from Claim 1 (currently amended), and as such is patentable for at least the same reasons as the latter.

"Claims 7 and 14, are rejected under 35 U.S.C. 103(a) as being 30 unpatentable over Wynn, U.S. Patent No. 5,859,419." Claim 7 is ultimately depended from Claim 1 (currently amended), and as such is patentable for at least the same reasons.

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Claim 14, as currently amended, now reads as follows:

A system for performing e-commerce transactions, comprising:
5 means for receiving a request to complete a commercial transaction for goods or services over the Internet by a consumer;
means for completing the commercial transaction with the consumer;
10 means for providing an e-receipt to the consumer, the e-receipt containing information that may be used by the consumer to program an RFID tag to prove a transaction for the right to receive the goods and/or services;
15 a purchaser's controller operable by said consumer in response to said e-receipt for programming said RFID card with said proof of transaction;
20 a provider's card reader for permitting said provider to read said programmed information from said RFID card for permitting said provider upon confirmation of the transaction to deliver the goods and/or services to the consumer; and
means for recording information related to the commercial transaction and the e-receipt.

25 The combination of elements of Claim 14 are not made obvious by the teachings of Wynn. More specifically, Wynn does not teach providing a ". . . controller operable by said consumer in responding to said providing means for programming said RFID card with said proof of transaction." Nor does Wynn make obvious or even allude to a system including ". . . a provider's card reader for permitting said provider to read said programmed information from said RFID card for permitting said provider upon confirmation of the transaction to deliver the goods and/or services to the consumer . . ." Clearly, 30 Claim 14, as currently amended, is patentable over Wynn, whether taken individually or in combination with Lofgren et al.

40 Original Claims 15, 16, and 18, and Claim 17 (currently amended), are each ultimately dependent from Claim 14

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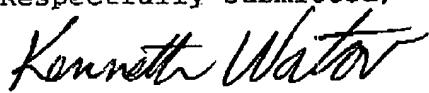
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(currently amended). Accordingly, these claims are patentable for at least the same reasons as Claim 14 (currently amended). Note that Claim 17 has been currently amended to correct the dependency thereof to be dependent from Claim 14.

5 Applicant has shown above that the claims as now presented are in condition for allowance. Accordingly, it is respectfully requested that the claims be allowed and the case passed to issue.

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Respectfully submitted,



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